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In re Application of: **R. Safadi**
Application No.: **10/039,156**
Filed: **December 31, 2001**
For: **METHODS AND APPARATUS FOR DIGITAL RIGHTS MANAGEMENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Art Unit: **3621**
Examiner: **S. Cangialosi**

Sir:

Transmitted herewith is:

[X] A Response in the above-identified application (5 pages);

[X] Return receipt postage prepaid postcard;

[X] I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450** on **April 28, 2005.**

The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 50-0625.

Very truly yours,

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Attorney Docket No.: **GIC-659**

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on : April 28, 2005.

By: Carol Prentice
Carol Prentice

RESPONSE

Dear Sir:

This Response is responsive to the Office Action mailed on January 31, 2005.

Claims 1-38 are pending.

Claims 1-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ginter (US 5,910,987) in view of Lai (US 6,593,860).

Applicant respectfully traverses these rejections in view of the following comments.

Discussion of Ginter and Lai

Ginter discloses a virtual distribution environment (VDE) that secures, administers, and audits electronic information use, including an electronic rights protection solution (Col. 2, lines 25-31). The VDE rights protection solution provides a unified, consistent system for securing and managing transaction processing, which can: audit and analyze the use of content; ensure

that content is used only in authorized ways; and allow information regarding content usage to be used only in ways approved by content users. VDE is: configurable, modifiable, and reusable; supports a wide range of useful capabilities that may be combined in different ways to accommodate most potential applications; operates on a wide variety of electronic appliances ranging from hand-held inexpensive devices to large mainframe computers; is able to ensure the various rights of a number of different parties, and a number of different rights protection schemes, simultaneously; is able to preserve the rights of parties through a series of transactions that may occur at different times and different locations; is able to flexibly accommodate different ways of securely delivering information and reporting usage; and provides for electronic analogues to "real" money and credit (Col. 4, line 46 through Col. 5, line 6).

Ginter discloses a unified rights protection solution so that users of VDE will not require additional rights protection systems for different information highway products and rights problems (Col. 5, lines 7-15).

The Examiner has indicated that Ginter discloses "a method for digital rights management including a virtual distribution environment where content is obtained from a plurality of content creators by a rights distributor, modified and changed therein to be in usable format by a content user substantially as claimed. The differences between the above and the claimed invention is the use of a specific format changes. It is noted that the content user must be able to use the digital content in a format compatible with the user equipment which would be functionally equivalent to the claim limitations." (Office Action, pages 2-3). The Examiner relies on Lai as disclosing "the transcoding of stored content to match the format employed by the user." (Office Action, page 3).

It is apparent from the Examiner's statements made in the rejections of independent claims 1 and 20 that the Examiner has misunderstood either the cited references or Applicant's claimed invention. Applicant's invention as set forth in claim 1 describes a method for digital rights management (DRM) of content from a plurality of content providers. Content incorporating an original DRM scheme is received from a content provider over a first network. The original DRM scheme is converted to a native DRM scheme which is compatible with a

consumer device used to process the content. The content is then securely delivered to the consumer device using the native DRM scheme over a second network. Accordingly, with Applicant's inventive concept as set forth in claim 1, it is the DRM scheme itself which is converted from an original scheme to a native scheme, not the content as apparently assumed by the Examiner. In other words, Applicant's claim 1 does not specify converting the content from one format to another, but rather specifies the conversion of the original DRM scheme to a native DRM scheme.

An example embodiment of the present invention is disclosed in Applicant's specification in connection with Figure 1. In this example, a DRM proxy device 120 is provided for receiving content incorporating an original DRM scheme from a content provider 52 over a first network (e.g., external network 20). A processor 110 is provided for converting the original DRM scheme to a native DRM scheme which is compatible with a consumer device 200 used to process the content. The content is then securely delivered to the consumer device 200 over a second network (e.g., headend network 60) using the native DRM scheme via the DRM proxy device 120 (see, e.g., Applicant's specification, page 6, line 28 through page 7, line 8). As set forth, for example, in claims 4 and 23, in order to convert from the original DRM scheme to the native DRM scheme, the processor 110 processes DRM data of the original DRM scheme and decrypts the content in accordance with this data. The content is then re-encrypted by the processor 110 using the native DRM scheme (see, e.g., Applicant's specification, page 8, lines 17-27). Therefore, no transcoding of the content occurs in the conversion of the original DRM scheme to the native DRM scheme set forth claims 1 or 20.

However, dependent claims 2 and 21 specify that the invention further comprises transcoding of the content from an original format to a native format compatible with the consumer device. As indicated in Applicant's specification, a transcoder 130 may be provided for transcoding the content from an original format (e.g., an original compression or encoding format) to a native format compatible with the consumer device 200 (see, e.g., Applicant's specification, page 7, lines 9-12). The transcoder 200 is provided in addition to the processor 110, and it is the processor 110 that converts the DRM scheme from an original scheme to the

native scheme. Accordingly, pursuant to the Doctrine of Claim Differentiation, since transcoding of content is defined in claims 2 and 21 as an additional feature of the invention, it is understood that transcoding of content does not occur in independent claims 1 and 20.

Further, the transcoding of the content is optional and may not be necessary in all circumstances. For example, content in an original format may incorporate an original DRM scheme. This original format of the content may be compatible with the consumer device, so that no transcoding of the content is necessary. However, it may still be necessary to convert the original DRM scheme to a native DRM scheme in the event that the consumer device is not compatible with the original DRM scheme.

Neither Ginter nor Lai discloses or remotely suggest converting an original DRM scheme to a native DRM scheme. The VDE of Ginter "provides a unified solution that allows all content creators, providers, and users to employ the same electronic rights protection scheme." (Col. 5, lines 13-15, emphasis added). Accordingly, in Ginter, there is no need to convert one DRM scheme to another, native DRM scheme, since all parties in Ginter use the same rights protection scheme defined by the VDE.

Lai discloses only the transcoding of content from one format to another, and does not disclose or remotely suggest converting an original DRM scheme to another, native, DRM scheme. Lai merely lists "digital rights management" as one publishing variable for media content (Col. 1, lines 35-40). The disclosure of Lai is limited to on-demand transcoding of content from one format to another. Examples of these formats are provided in Table 1 of Lai at Columns 19-20, and include file formats such as Adobe Illustrator, GIF, JPEG, BITMAP, MPEG, QUICK TIME, TIFF, and the like. The formats listed in Table 1 are all content file formats, and do not relate to any type of DRM scheme used to manage or protect the content. Lai simply does not disclose any type of conversion from one DRM scheme to another.

Applicant respectfully submits that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Ginter, taken alone or in combination with Lai or any of the other prior art of record.

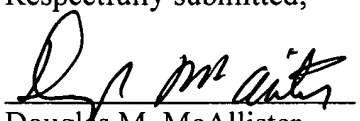
Further remarks regarding the asserted relationship between Applicant's claims and the prior art are not deemed necessary, in view of the foregoing discussion. Applicant's silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

In view of the foregoing, withdrawal of the rejections under 35 U.S.C. § 103(a) is respectfully requested.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



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